

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Calling Party Pays Service

WT Docket No. 97-207

Option in the Commercial Mobile

Radio Service

To: The Commission

COMMENTS OF THE RURAL CELLULAR ASSOCIATION

The Rural Cellular Association ("RCA"),¹ by its attorneys, submits these comments in support of the Petition for Expedited Consideration ("Petition") filed by The Cellular Telecommunications Industry Association ("CTIA")² regarding the Calling Party Pays ("CPP") Service. RCA supports CTIA's Petition and submits that minimal regulatory interference in the relationship between local exchange carriers ("LECs") and providers of Commercial Mobile Radio Services ("CMRS") serves the public interest. Allowing market forces to shape the development of CPP will foster competition and efficiency in the CMRS marketplace, thereby benefitting consumers.

¹ RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide cellular service to predominantly rural areas where more than 6 million people reside. Formed in 1993 to address the distinctive issues facing rural cellular service providers, the membership of RCA includes affiliates of the only entities originally eligible for "B" block cellular licenses -- wireline telephone companies -- as well as rural "A" block carriers. RCA also represents small and rural PCS carriers, new entrants into the wireless marketplace.

² *Public Notice*, WT Docket No. 97-207, DA 98-468 (released March 9, 1998).

CPP is and should remain a voluntary service offering; the market should dictate whether and when CPP will be implemented. Like roaming arrangements, the availability and terms of alternative payment arrangements are private contractual matters between carriers and traditionally are not subject to regulatory oversight.

RCA also supports the adoption of national notification standards for informing callers that they will be billed for completing a call. A national approach will ensure customer awareness that charges may be incurred and avoid confusion within a mobile user community. Accordingly, the Commission should quickly adopt simple rules to ensure adequate customer notification. However, as demonstrated by CTIA in its Petition and the record in this proceeding, any requirement to provide notification of specific CPP charges would be costly and administratively burdensome for carriers. To avoid confusion and delay in call completion, national notification standards should be simple and concise, confined to an announcement that the calling party will be charged for the call and directing the caller to a source of additional information.

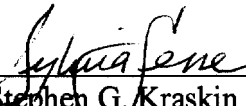
CPP is a billing arrangement and does not change the character or classification of the call. Accordingly, CPP is appropriately characterized as a CMRS service and is, therefore, within the purview of the Commission's exclusive jurisdiction pursuant to Section 332 of the Communications Act of 1934, as amended.³ The Commission should therefore clarify that States are preempted from regulating the rates and entry of the carrier providing that service.

³/ 47 U.S.C. §332.

On the basis of the foregoing, RCA submits that the public interest is best served by minimal regulation of CPP, and allowing market forces to define the development of CPP.

Respectfully submitted,

THE RURAL CELLULAR ASSOCIATION

By  _____
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CERTIFICATE OF SERVICE

I, Shelley Bryce, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, hereby certify that a copy of the foregoing "Comments of The Rural Cellular Association", was served on this 8th day of May 1998, by first class, U.S. Mail, postage prepaid to the following parties:


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